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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

CHEN, CHONGSHAN

ART UNIT PAPER NUMBER

2162

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,349

Applicant(s)

SCHWESIG ET AL.

Examiner

Chongshan Chen

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2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23-57 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23-57 and 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Amendment filed on June 29, 2005. Claims 1-21, 23-57 and 59-62 are pending in this Office Action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on March 25, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Examiner suggests the applicant to change the preamble of claim 1, 20 and 34 to "A computer implemented method ..." in order to avoid potential 101 error.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 17-21, 23, 25-57 and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (Pub. No.: US 2002/0104099 A1) in view of Ellis et al. (hereinafter "Ellis", US 6,774,926 B1) and PocketFeed (<http://www.furrygoat.com/Misc/Software.html>).

As per claim 1, Novak discloses a method of providing a network media channel, comprising:

capturing media data using a media capture device, wherein said media capture device is connected to a network and includes local storage (Novak, page 3, [0039], “web camera video clips”, a web camera is a media capture device);

storing said captured media data in a media file in said local storage of said media capture device (Novak, page 3, [0039]);

publishing said media file to a server on said network to correspond to a network media channel, such that said published media file is accessible through said network (Novak, page 1, [0010]).

Novak does not explicitly disclose modifying said media file using said media editing component of said media capture device. Ellis teaches modifying said media file using said media editing component of said media capture device (Ellis, Fig. 15, element 216 & 218, col. 12, lines 19-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the media publishing system of Novak by incorporating a media editing component as disclosed by Ellis (Ellis, Fig. 15, element 216 & 218, col. 12, lines 19-25). The motivation being to allow a user to edit the captured raw multimedia data into better image/sound/resolution. This provides the viewer with better experience when viewing the multimedia.

Neither Novak nor Ellis explicitly discloses generating a notification of an update to said network media channel based on said publication of said media file; wherein said notification is requested from said server through said network by a portable media browsing device

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subscribing to said network media channel. PocketFeed teaches generating a notification of an update to said network media channel based on said publication of said media file; wherein said notification is requested from said server through said network by a portable media browsing device subscribing to said network media channel (PocketFeed, page 1, PocketFeed is an RSS/RDF news aggregator. RSS technology is used to generate a notification of an update. For further information about RSS, please check following links:

<http://www.gallatin.com/wcm/publishing.nsf/content/GTIrss> and

<http://www.xml.com/pub/a/2002/12/18/dive-into-xml.html>). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Novak and Ellis' combined media publishing system by incorporating the RSS aggregator as disclosed by PocketFeed. The motivation being to automatically notify the subscriber when new information is available on the server. This lets the subscriber know the latest information without the need to constantly check the data on the server.

As per claim 2, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach said media data includes video data (Novak, page 3, [0039]).

As per claim 3, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach said media capture device is a publishing client connected to a server through said network (Novak, page 1, [0010]).

As per claim 4, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach said network media channel includes one or more media files published to said server by said publishing client (Novak, page 1, [0010]).

As per claim 5, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach creating said network media channel (Novak, page 1, [0010]).

As per claim 6, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach modifying said media file includes editing the media data stored in said media file (Ellis, Fig. 15, element 216 & 218, col. 12, lines 19-25).

As per claim 7, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach modifying said media file includes adding supplemental media data to said media file (Novak, page 1, [0039]).

As per claim 8, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 7, and further teach said supplemental media data is media data captured by said media capture device (Novak, page 1, [0039]).

As per claim 9, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 7, and further teach said supplemental media data is audio data (Novak, page 1, [0039]).

As per claim 17, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach publishing said media file include sending a copy of said media file to a media channel over connected to said network (Novak, page 1, [0010]).

As per claim 18, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach subscribing to a second network media channel with said server through said network (Novak, page 7, [0080]); receiving a notification of an update to said second network media channel from said server through said network (Novak, page 7, [0070]);

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receiving a media file corresponding to said update of said network media channel at a media browsing device from said server through said network (Novak, page 7, [0080]).

As per claim 19, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 18, and further teach presenting said media file corresponding to said update (Novak, page 7, [0070]).

Claim 20 is rejected on grounds corresponding to the reasons given above for claims 1 and 18.

Claim 21 is rejected on grounds corresponding to the reasons given above for claim 4.

As per claim 23, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach requesting said notification from said server includes accessing Rich Site Summary page for said network media channel (PocketFeed, page 1).

As per claim 25, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach subscribing to said network media channel includes sending a subscription request to said server through said network (Novak, page 7, [0080]).

As per claim 26, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 25, and further teach subscribed users (Novak, page 7, [0080]), which inherently includes profile information identifying the subscriber.

As per claim 27, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach said subscribed network media channel is a group channel (Novak, page 1, [0010]).

As per claim 28, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 27, and further teach said group channel includes media files from two or more publishing clients (Novak, page 1, [0010]).

As per claim 29, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 27, and further teach said group channel includes media files from two or more network media channels (Novak, page 1, [0010]).

As per claim 30, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach said subscribed network media channel is a filter channel, wherein said filter channel includes any media files that match a filter query extracted from one or more target media network channels, and said filter channel indicates said filter query and said one or more target media network channels (Ellis, col. 1, lines 38-42).

As per claim 31, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach sending a filter request to said server through said network indicating one or more target media network channels and a filter query including one or more filter terms, wherein said filter requests indicates a filter channel to include any media files that match said filter query extracted from said one or more target media network channels; receiving said media file from said server through said network as one of said extracted media files of said filter channel (Ellis, col. 1, lines 38-42).

As per claim 32, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach presenting said media file (Novak, page 1, [0010]).

As per claim 33, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, and further teach receiving a second media file corresponding to a second

network media channel from said server through said network; presenting said media file and said second media file at the same time (Novak, page 1, [0010]).

Claim 34 is rejected on grounds corresponding to the reasons given above for claims 1 and 18.

As per claim 35, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach said network media channel includes one or more media files published to said server by said publishing client (Novak, page 1, [0010]).

As per claim 36, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach receiving a new channel request to create said network media channel (Novak, page 1, [0010]).

As per claim 37, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 36, and further teach said new channel request is from said publishing client (Novak, page 1, [0010]).

As per claim 38, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach receiving a subscription request from said subscriber client indicating said subscriber client is to subscribe to said media network channel (Novak, page 7, [0080]).

As per claim 39, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach receiving a notification request from said subscriber client requesting said notification be sent to said subscriber client (Novak, page 1, [0010]).

As per claim 40, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 39, and further teach said notification request also indicates that any

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notifications for other network media channels to which said subscriber client has subscribed also be sent to said subscriber client (Novak, page 1, [0010]).

As per claim 41, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach sending said notification to said subscriber client (Novak, page 1, [0010]).

Claim 42 is rejected on grounds corresponding to the reasons given above for claim 23.

As per claim 43, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach receiving a media file request from said subscriber client requesting said media file be sent to said subscriber client (Novak, page 1, [0010]).

As per claim 44, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach receiving a filter request from said subscriber client indicating one or more target media network channels and a filter query including one or more filter terms; generating a filter channel by extracting any media files that match said filter query from said one or more target media network channels, such that said filter channel includes said extracted media files and said extracted media files includes said media file received from said publishing client; sending said extracted media files to said subscriber client as said filter channel (Ellis, col. 1, lines 38-42).

As per claim 45, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach receiving a group channel request to create a group channel (Novak, page 1, [0010]).

As per claim 46, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 45, and further teach said group channel includes media files from one or

more media network channels including said media network channel indicated by the said publishing client (Novak, page 1, [0010]).

As per claim 47, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 45, and further teach said media network channel indicated by said publishing client is said group channel (Novak, page 1, [0010]).

As per claim 48, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 45, and further teach receiving a second media file corresponding to said group channel through said network from a second publishing client; sending said second media file to said subscriber client through said network (Novak, page 1, [0010]).

As per claim 49, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 34, and further teach verifying that said subscriber client has authorization to access said network media channel before sending said media file to said subscriber client (Novak, page 1, [0010]).

As per claim 50, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, and further teach subscribing client connected to said network, wherein said subscribing client includes a subscribing component for subscribing to one or more network media channels, and a browsing component for accessing media files received according to subscribed network media channels (Novak, page 7, [0080], "the end user is subscribed ...").

Claim 51 is rejected on grounds corresponding to the reasons given above for claim 44.

As per claim 52, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 50, and further teach said server also includes a group channel manager for managing one or more group channels, each indicating a group of one or more member network

media channels such that a group channel includes media files extracted from the member network media files of the group channel (Novak, page 1, [0010]).

As per claim 53, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 50, and further teach said browsing component of said subscribing client presents media files corresponding to two or more network media channels at the same time (Novak, page 1, [0010]).

As per claim 54, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 50, and further teach said publishing client and said subscribing client are included in the same physical device (Novak, page 1, [0010]).

As per claim 55, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 50, and further teach said publishing client is a portable device (Ellis, col. 3, lines 58-60).

As per claim 56, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 55, and further teach said publishing client is a phone (Ellis, col. 3, lines 58-60).

As per claim 57, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 50, and further teach said publishing client includes two or more devices interconnected in a personal network (Novak, Fig. 1, page 1, [0010]).

As per claim 59, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 50, and further teach said subscribing client is a phone (Ellis, col. 3, lines 58-60).

Claim 60 is rejected on grounds corresponding to the reasons given above for claim 1.

Claims 61-62 are rejected on grounds corresponding to the reasons given above for claims 18-19.

6. Claims 10-16, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (Pub. No.: US 2002/0104099 A1) in view of Ellis et al. (hereinafter "Ellis", US 6,774,926 B1) and PocketFeed (<http://www.furrygoat.com/Misc/Software.html>) and Toyama et al. (hereinafter "Toyama", Pub. No.: US 2004/0070678 A1).

As per claim 10, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 1, except for explicitly disclosing adding metadata to said media file. Toyama teaches adding metadata to said media file (Toyama, page 3, [0022]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Novak, Ellis and PocketFeed's combined media publishing system by adding metadata to said captured media data as disclosed by Toyama (Toyama, page 3, [0022]). The motivation being to provide metadata information to identify the media data.

As per claim 11, Novak, Ellis, PocketFeed and Toyama teach all the claimed subject matters as discussed in claim 10, and further teach said metadata indicates said network media channel (Toyama, page 3, [0022]).

As per claim 12, Novak, Ellis, PocketFeed and Toyama teach all the claimed subject matters as discussed in claim 10, and further teach said metadata includes identification information identifying the author of said media file (Toyama, page 3, [0022]).

As per claim 13, Novak, Ellis, PocketFeed and Toyama teach all the claimed subject matters as discussed in claim 10, and further teach said metadata includes one or more keywords (Toyama, page 3, [0022]).

As per claim 14, Novak, Ellis, PocketFeed and Toyama teach all the claimed subject matters as discussed in claim 10, and further teach said metadata includes a timestamp (Toyama, page 3, [0022]).

As per claim 15, Novak, Ellis, PocketFeed and Toyama teach all the claimed subject matters as discussed in claim 10, and further teach said metadata includes a group identifier indicating a group of one or more media files with which the published media file is to be associated (Toyama, page 3, [0022]).

As per claim 16, Novak, Ellis, PocketFeed and Toyama teach all the claimed subject matters as discussed in claim 10, and further teach said metadata includes a group identifier indicating a group of one or more media network channels with which the published media file is to be associated (Toyama, page 3, [0022]).

As per claim 24, Novak, Ellis and PocketFeed teach all the claimed subject matters as discussed in claim 20, except for explicitly disclose creating an annotation to said media file; sending said annotation to said server through said network. Toyama teaches creating an annotation to said media file; sending said annotation to said server through said network (Toyama, page 3, [0022]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Novak, Ellis and PocketFeed's combined system by incorporating the annotation as disclosed by Toyama (Toyama, page 3, [0022]). The motivation being to allow the user to use annotation to label the data.

Response to Arguments

7. Applicant's arguments, see page 17, filed on June 29, 2005, with respect to the rejection(s) of claim(s) 1-9, 17-22, 25-41 and 43-62 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of PocketFeed (<http://www.furrygoat.com/Misc/Software.html>).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RSS Notification, <http://www.gallatin.com/wcm/publishing.nsf/content/GTlrss>.

What is RSS? Mark Pilgrim, December 18, 2002,
<http://www.xml.com/pub/a/2002/12/18/dive-into-xml.html>.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571) 272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
September 10, 2005


JEAN M. CORBELLEUS
PRIMARY EXAMINER